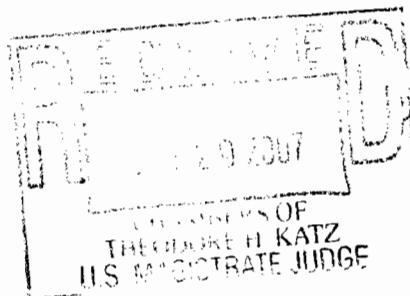


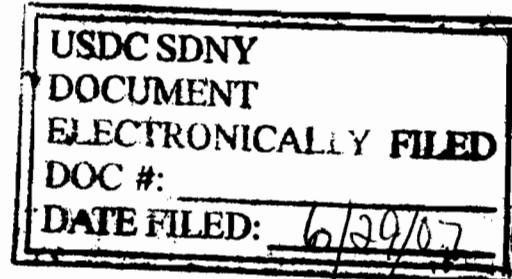
C A D W A L A D E R



June 28, 2007

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BY HAND

Honorable Theodore H. Katz
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Vaicaitiene v. Partners In Care, Inc. and Visiting Nurse Service of New York, Inc., 04 Civ. 9125 (RMB)(THK)

Dear Judge Katz:

We are the attorneys for defendants in the above-referenced proceeding. By order dated January 23, 2007, this action was placed on the Court's Suspense Docket. A copy of the order is enclosed for the Court's convenience. At that time, the Court required the parties to apprise it of their intentions promptly upon the Supreme Court's decision in the Coke case. I am writing at this time to advise the Court that on June 11, 2007, the Supreme Court reversed and remanded the Second Circuit's decision in Coke v. Long Island Care at Home. As Your Honor will recall, the Second Circuit had held that the so-called third-party regulation, which extends the companionship exemption from federal overtime requirements to entities such as defendants herein, was unenforceable. By its June 11 decision, the Supreme Court unanimously reversed that decision, concluding that the regulation is valid and binding. Accordingly, the companionship exemption applies to defendants herein. A copy of the Supreme Court's decision is enclosed.

Since the date of the Supreme Court's decision, counsel for the parties have conferred so as to set a course for consideration by the Court. Reference to the Court's Amended Scheduling Order filed September 20, 2006 suggests that the first order of business is completion of class related discovery. A copy of the Amended Scheduling Order is enclosed. Counsel are currently re-examining outstanding discovery requests and production to date in order to re-

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shape discovery to reflect the impact of the Supreme Court decision on this matter, focusing most particularly on this action's viability as a collective/class action. We respectfully request the opportunity to continue these discussions and report to the Court no later than July 13, 2007.

Respectfully,

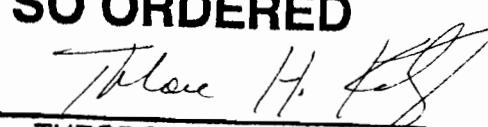

Kathy H. Chin

Enclosure

cc: Karl J. Stoecker, Esq.
Attorney for Plaintiff

The request is granted.

6/29/07 **SO ORDERED**


THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE